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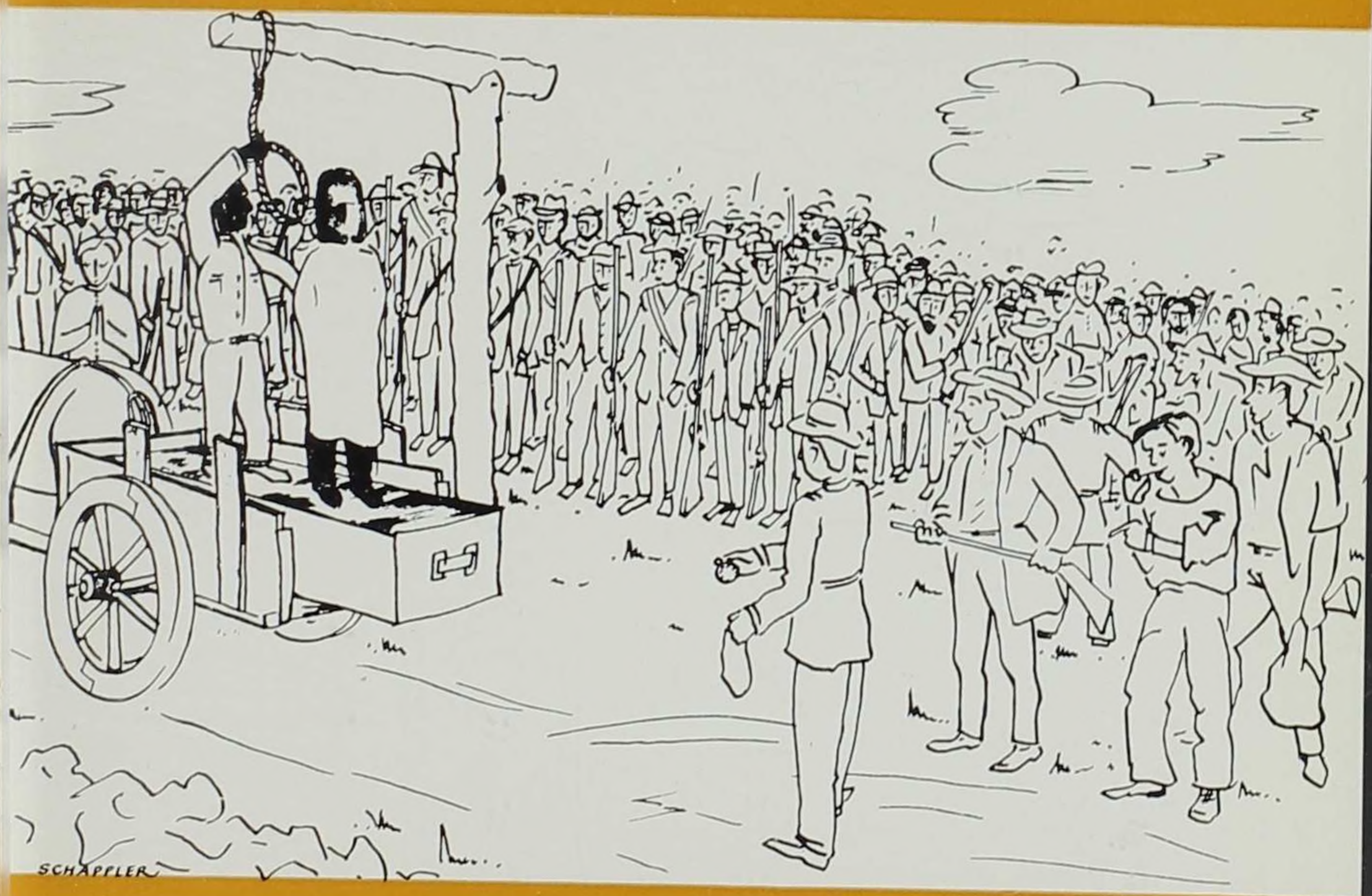
The PALIMPSEST



THE EXECUTION OF PATRICK O'CONNER

CRIME IN IOWA

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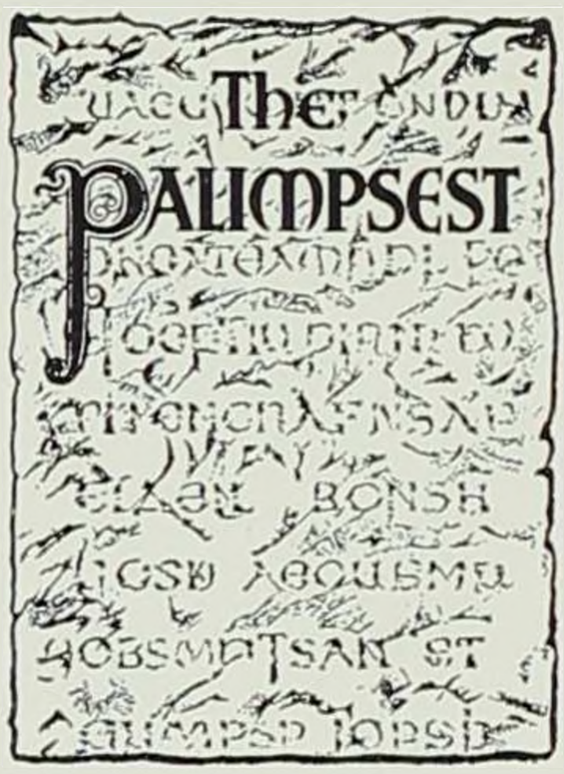

The Meaning of Palimpsest

In early times a palimpsest was a parchment or other material from which one or more writings had been erased to give room for later records. But the erasures were not always complete; and so it became the fascinating task of scholars not only to translate the later records but also to reconstruct the original writings by deciphering the dim fragments of letters partly erased and partly covered by subsequent texts.

The history of Iowa may be likened to a palimpsest which holds the record of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history.

Contents

Illustrations

Paintings are from Henry Lewis' *Das Illustrierte Mississippithal*, containing lithographs of almost one hundred paintings made while floating down the Mississippi between the Falls of St. Anthony and the mouth of the Mississippi in 1846-1848.

Authors

John Carl Parish was the first editor of THE PALIMPSEST (July, 1920, to August, 1922). He edited and wrote extensively for the Society before going to UCLA at Los Angeles in the fall of 1922.

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THE PALIMPSEST

EDITED BY WILLIAM J. PETERSEN

VOL. XL ISSUED IN JUNE 1959 No. 6

White Beans For Hanging

The tale that follows is not a placid one, for it has to do with the sharp, dramatic outlines of one of the bloodiest struggles that ever took place between whites within the bounds of Iowa. Therefore let those who wish a gentle narrative of the ways of a man with a maid take warning and close the leaves of this record. The story is of men who lived through troublous days and circumstances and who at times thought they could attain peace only by looking along the sights of a gun barrel.

The facts are given largely as they were related by Sheriff Warren. It is more than three quarters of a century since the events occurred, and Warren and the others who took part have long since left this life. There have been those who tell in some respects a different story, but it seems probable that the sheriff, whose business led him through every turn of the events, knew best what happened. And his long continuance in office led one to feel that he did not pervert the record.

Warren was a Kentuckian by birth and a resi-

dent for some years at the lead mines of Galena; but he crossed the Mississippi and located at Bellevue, in Iowa Territory, when that town was a mere settlement on the western fringe of population. Active and courageous, this young man was appointed sheriff of the County of Jackson and held the position for nearly a decade.

Soon after his arrival there came to Bellevue a group of settlers from Coldwater, Michigan. Among them was William W. Brown, a tall, dark complexioned man, who bought a two-story house and opened a hotel. Brown was a genial host, full of intelligence and pleasing in his manners, and he won immediate popularity among the people of the county. His wife, too, a little woman of kindly ways and sturdy spirit, was a general favorite.

Brown also kept a general store and became a partner in a meat market. In this way he came in touch with a large number of the pioneers, and the liberality with which he allowed credit and his generosity to the poor endeared him to many. The hotel was a convenient stopping place for men driving from the interior of the county to Galena. They came to Bellevue to cross the Mississippi, stopped off at Brown's, ate at his far famed table, drank of his good liquor, and listened to his enlivening talk. And usually they went away feeling Brown a valuable addition to the community.

When winter came he hired a number of men and put them at work on the island near the town

cutting wood to supply fuel to the Mississippi steamboats. At the approach of spring, and before the ice broke up, the woodcutters became teamsters, and long lines of teams might be seen hauling the cords of wood across the ice to the Iowa side where they were piled up on the shore.

Bellevue in 1837 was less than five years old. On a plateau overlooking the Mississippi a few houses had sprung up; then came stores and a hotel. Along the river and off in the outlying districts other small settlements began to appear. Roads and common interests united them and they formed a typical group of pioneer communities. Warren found the preservation of order in this new county somewhat of a task. Conditions of life were primitive and so also were the habits of the pioneers. Derelicts and outcasts from older settlements found their way to the new. Petty thieving was not uncommon, and travelers were often set upon as they passed from town to town — sometimes they disappeared unaccountably from the face of the earth. Men found themselves in possession of counterfeit money; horses and cattle were stolen; and pioneer feuds or drunken brawls now and then ended in a killing. Yet Jackson County was without a jail.

For some years the whole northwest had suffered from the operations of gangs of horse thieves and counterfeiters, and it began to look to Warren and others as if one of these gangs had particular

associations with Jackson County. Horses and cattle, stolen in the east, turned up at Bellevue with curious frequency; bad money became common and thieving grew more bold. Again and again circumstantial evidence associated crimes with one or another of the men who worked for Brown or made their headquarters at his hotel.

One of these men was James Thompson, a son of well-to-do Pennsylvania parents and a man of some education. Twice he was arrested for passing counterfeit money and once for robbing stores in Galena, but in each case he was cleared on technicalities or on the testimony of his associates. Two other members of the suspected group were William Fox, charged with a part in the Galena robbery, and one Chichester who, together with Thompson, was implicated in the robbing of an old French fur trader named Rolette.

The people of the county were particularly irritated by the fact that seldom was any one punished for these crimes. The aggrieved parties often found Brown appearing as counsel for his men when they were brought to trial; and almost invariably alibis were proven. At one time Thompson, arrested on the charge of passing counterfeit money near Galena, was released on the testimony of Fox and three others of his associates that at the time mentioned he was attending the races with them in Davenport. At another time a man was cleared by the statements of his friends that they

had played cards with him on the night in question.

Brown's constant connection with the suspects and his assistance in case of their trial caused his own reputation to suffer. Many people came to believe that he was in reality the very shrewd and clever leader of an organized gang of criminals. Others felt Brown unjustly accused and wronged.

Among those of his early friends who lost faith in him was Thomas Cox, a veteran of the War of 1812 and the Black Hawk War and a man of magnetic personality and dominant will. Over six feet tall and weighing two hundred and fifty pounds, he was vigorous enough even when well beyond the half-century mark to place his hands on the withers of a horse and vault into the saddle without touching the stirrups. In 1838 he had been chosen to represent his county in the Territorial legislature and in 1839 he wished greatly to succeed himself in the office. At the time of nominations Cox was absent from home attending to his duties at the capital, but he counted on his friend Brown to support him. What was his surprise then to find that Brown had been nominated in his place. He immediately announced himself as an independent candidate and was elected. But from then on Cox bitterly opposed the hotel keeper.

Brown's charm of manner and apparent sincerity, however, kept friends and adherents for him among many of the best people of the county. A number of the men of the vicinity, anxious to help

matters, finally decided to call a meeting, put the case squarely to Brown and see if he would not do something to rid the neighborhood of crime.

Brown appeared, but with him came the notorious Thompson. James Mitchell, a fiery opponent of the suspected gang, jumped to his feet at once, characterized Thompson as a robber and counterfeiter and demanded his withdrawal. Thompson, infuriated, drew his pistol, but was seized by the bystanders and hustled out of the room, breathing threats against the life of Mitchell. Outside a group of his friends gathered. They broke the door and stormed into the room, and only the efforts of Brown prevented a bloody conflict.

As a result of the meeting Brown agreed to do what he could and the next day most of his boarders, shouldering their axes, crossed over to the island where they set to work chopping wood. The relief, however, was only partial. Robberies continued and raids upon the island disclosed much plunder.

So things ran on till the winter of 1839. Warren tells us that under the dominant influence of Brown's men the holidays were marked by drinking and dissipation rather than the usual dancing and feasting. The better citizens determined to celebrate Jackson's victory at New Orleans by a ball on the evening of January 8. Furthermore, upon the suggestion of Mitchell, who was one of

the managers, it was agreed that none of Brown's men should be allowed to participate.

After many preparations the night came. The flower of Bellevue womankind, bewitching with smiles and curls and gay attire, and the vigorous men of that pioneer town gathered at a newly built hotel to enjoy the music and bountiful refreshments and to engage in the delights of the quadrille and the Virginia reel. Mitchell was there with his wife and daughter and two sisters. Sheriff Warren, because of sickness, was unable to attend; and Thompson and the other men upon whom the company had learned to look with such disfavor were nowhere to be seen.

Around and around on the rude puncheon floor went the dancers, moving with slow and graceful steps through the stately figures of the quadrille or quickening their pace to a more lively measure of the tireless musicians. Suddenly came a strange commotion by the door and excited men and women gathered about a young woman who had reached the ball room, half clad and almost spent with fright and exhaustion. It was Miss Hadley, a young relative of Mitchell's who, too sick to attend the ball, had been left alone at his home. When she could speak the dancers learned that Thompson and some of his friends had taken advantage of Mitchell's absence to plunder his house, and the indignities at the hands of Thompson from which Miss Hadley had with difficulty escaped formed a

climax that stirred the spirit of murder in Mitchell's heart. Borrowing a pistol from Tom Sublett, he left the ball room and went out into the night in search of his enemy.

The night well served his purpose. The moon — clear and full — hung high in the heavens, opening up to his view long stretches of village street. The frosty air rang with every sound. His quest was short. There swung into sight down the otherwise empty street two men, and the quiet of the night was shattered by drunken curses. Mitchell strode on to meet them. One of the two called out to him in warning. The other came on as steadily as did Mitchell. In one hand was a pistol, in the other a bowie knife, and influenced by drink, his purpose matched that of the man he met.

Scarcely three feet separated the men, when Thompson attacked with pistol and knife at once. His gun, however, at the critical instant missed fire and a moment later a ball from his opponent's pistol entered his heart. Seeing Thompson dead at his feet, Mitchell retraced his steps to the ball room, where he gave himself up to the deputy sheriff and asked for protection against the mob he knew would soon appear.

The terrified guests of the Jackson Day Ball scattered to the four corners of the night. Women, unmindful of wraps or dignity, sought the safety of home, and the men, hurrying away to arm themselves, did not all — it is safe to say — return.

Anson Harrington and another man who had weapons remained with Mitchell and these three with the devoted women of his family took refuge in the upper story of the hotel. The air now became vocal with the tumult of Thompson's friends approaching with wild cries of revenge. The deputy sheriff tried in vain to stop them, then dashed off to summon Sheriff Warren. Upstairs the little group had taken the stove from its place and poised it near the head of the stairway ready to roll it down upon the heads of the invaders.

In a turmoil of rage the crowd of men swarmed into the house and, headed by Brown, reached the foot of the stairway. But the muzzles of guns looking down upon them, and their acquaintance with the grim nature of the men above halted them. Baffled, they began calling for the women to come down, threatening to burn the house and punctuating their threats by firing bullets up through the ceiling into the room above.

Soon Warren appeared upon the scene. He promised to be responsible for Mitchell's appearance in the morning and persuaded Brown to quiet his inflamed men. They dispersed reluctantly and the disturbed night at length resumed its quiet. In the morning Mitchell was taken from the hotel, arraigned before a court, and bound over for trial. Mitchell was held under guard in his own house.

The friends of Thompson, though making no open demonstration, were nursing their desire for

revenge. William Fox, Lyman Wells, Chichester, and a few others — unknown to Brown — laid a diabolical scheme to blow up with gunpowder the house in which Mitchell was being held. Mitchell had killed their comrade — only by his death could they be appeased, and they had little hope that the process of law would exact from him the death penalty. So one night they stole a large can of powder from one of the village stores and repaired to Mitchell's house. At midnight everything was quiet. A shed gave access by a stairway to the cellar and the powder was soon placed by Fox, while Wells laid the train which was to start the explosion. Unobserved, the two men returned to their comrades who had been drinking themselves into a proper frame of mind. The question now arose as to who should apply the match. And at this midnight council the conspirators agreed to cast lots for the doubtful honor. It fell upon Chichester and he stepped to the task without hesitation. A few moments later there was a flash, but to the men who had fixed their hopes on this instant of time there came a great disappointment for the report was strangely feeble. When the sun from across the river brought another day to the distracted town the house was still standing and Mitchell and his family were unhurt.

Among the conspirators there was discussion and probably an uneasy curiosity as to the next move of Mitchell's friends. But there came no im-

mediate sequel. Sheriff Warren took no action, although he held the key to the situation. There had been a deserter in the camp of the plotters. Lyman Wells, in laying the train to the can of powder, had left a gap so that the main deposit of explosive had not been reached. The next day he told the whole story to the sheriff who took possession of the powder but withheld from Mitchell the news of the attempt upon his life.

The weeks that followed saw no cessation of crime, and Warren, unable to control it, realized that the situation had become intolerable. Men in despair of proper protection from the law were trying to sell their property and move to safer communities. At length Warren and three others were appointed as a committee to go to Dubuque and consult Judge Thomas Wilson as to some means of checking outlawry in the county. The conference resulted in the drawing up of an information charging Brown, Fox, Long, and a score of their associates with confederating for the purpose of passing counterfeit money, committing robbery and other crimes and misdemeanors. The information was sworn to by Anson Harrington, and a warrant for the arrest of the men named was put into the hands of Sheriff Warren. Everyone knew that with the serving of this warrant a crisis would come in the history of Jackson County.

When Warren first went to the hotel to read the warrant to Brown and his men he found Brown

inclined to be defiant — disputing the legality of such a general instrument — and his associates were ready for the most desperate measures. The sheriff as he read began to have extreme doubts as to his safety and was perhaps only saved from violence by the sudden anger which seized the crowd when Harrington's name was read as the one who had sworn to the information. On the instant they dashed off to wreak vengeance upon him. Brown turned at once to Warren, urging him to go while he could, for he knew that Harrington had already sought safety on the Illinois shore before the warrant was served, and that the mob would soon return disappointed and vengeful. Just then Mrs. Brown hurried into the room. "Run for your life," she cried, "they are coming to kill you."

Warren departed in haste, thoroughly convinced that the arrest of the infuriated gang would be a desperate task and one requiring careful preparation. He determined to organize an armed posse, and turned to Thomas Cox for assistance, commissioning him to visit certain parts of the county and bring in a force of forty armed men. The task was no doubt a welcome one to Cox. The old warrior spirit in him had been aroused by the defiant attitude of the lawless coterie, and he believed that radical measures alone could free the neighborhood from Brown and his gang.

Warren and Cox set out in different directions through the county to gather recruits. Many of

the settlers, feeling that Brown was an innocent and much abused man, refused to move against him. But on the morning of April first a considerable force was mobilized in the town of Bellevue ready to help the sheriff in arresting the men.

At the hotel meanwhile there was a similar spirit of battle. A desperate and reckless defiance seemed to pervade the men. In front of the hotel a red flag fluttered and on it the words "Victory or Death" challenged the fiery men of the frontier who had gathered there to help make their homes and property safe. Parading up and down beside the flag were members of the gang, among them an Irishman who at the top of his lungs advised the posse to come on if they wanted Hell. The members of the posse — many of them veterans of the Black Hawk War — did not take kindly to such words of defiance, and there was high feeling between the two parties when the sheriff went alone to the hotel to read the warrant and demand a surrender.

The men listened in silence while the sheriff, alone among desperate men, read to them the challenge of the law. Then Brown asked him what he intended to do.

"Arrest them all," replied Warren, "as I am commanded."

"That is if you can," said Brown.

"There is no 'if' about it," replied the sheriff. "I have a sufficient force to take you all, if force is

necessary; but we prefer a surrender, without force."

He talked privately with Mr. and Mrs. Brown, and showed them letters from various men in the county advising Brown to surrender and trust to the courts. This the hotel keeper finally agreed to do providing the sheriff and four other men (whom he named) would come and pledge that he and his men should be unharmed. Warren left and returned shortly with the men designated. But in the meantime Brown seemed somewhat to have lost control of affairs. The four men were ordered away and the sheriff alone was admitted.

The men in the hotel were now restive with drink and no longer inclined to submit to the restraints of their leader. Warren was to be held as a hostage, they told him, and if a shot were fired from outside he would be killed at once. He was powerless to resist. Minutes of increasing tension went by. Then came word from the front of the house that Cox and his men were forming in the street for an attack. In a last effort to avoid trouble, Brown shoved the sheriff out of the house. "Go and stop them and come back," he said. Warren needed no second bidding.

But the fight was now inevitable. An attacking party of forty men was chosen. They were addressed by Warren and Cox, told of the seriousness of the occasion, and given a chance to withdraw, but not a man wavered. It was now early

afternoon. The noon hour had passed with scarcely a thought of food. The town waited in breathless suspense.

In the neighborhood of the hotel the houses were deserted, and far from the scene of action, women and frightened children gathered in groups listening intently for the first sound of a gun. And to Mitchell, confined in his own home, the acuteness of the moment must have been almost unbearable. His wish to join the posse had been overruled, but he had been given arms so that he might not be helplessly murdered in case of the defeat of the sheriff's force.

In the street the posse was forming. With orders not to fire until fired upon, the men started toward the hotel. Silently and steadily they moved until they were within thirty paces of the house, then came an order to charge and with a rush they made for the building. The crack of a gun was heard from an upstairs window and one of the forty, a blacksmith, fell dead. Brown, with his gun cocked, was confronted by Warren and Cox.

"Surrender, Brown, and you shan't be hurt," they called to him. Brown lowered his gun evidently with the intention of complying but it was accidentally discharged and the ball passed through Cox's coat.

Then all restraint broke loose. The guns of two of the posse barked and Brown fell dead on the instant with two bullets in his head. From all

points now bullets drove into the frame building, and answering volleys came from the windows of the hotel. There were more than twenty men in the house and with them was Mrs. Brown who with unswerving loyalty had stood by to load guns. The struggle was desperate. Bursting into the lower floor, engaging in hand to hand conflict, the sheriff's men drove the defenders upstairs where with pitchforks and guns they defied capture.

No longer was sheriff, or legislator, or any other man in the posse mindful of the law. The primitive instincts had escaped bounds and the impulse to kill possessed them all. One after another, men on both sides crumpled up under fire and lay still. Warren, carried away by the excitement and unable to force the upper floor, ordered the house to be set on fire, and the torch was applied.

Then the cry arose that the men were trying to escape by jumping from a shed at the rear of the house. Pursuit was on at the instant but seven of the outlaws escaped from the hands of the sheriff's men. Thirteen others gave up and were taken prisoners, while three others lost their lives.

The fight was over but not so the intensity of hatred. A number of the invading party had been severely wounded and four of them lay dead. The sight of their inanimate bodies, when the firing ceased, aroused the desire of the posse for instant punishment of the captives.

Ropes were procured and the awful, unthinking cry of revenge went up. But saner councils prevailed and the prisoners were put under heavy guard while it was decided what their fate should be. Warren's desire to hold the men for trial by law was, however, overruled on the ground that, the county being without a jail, there was too much danger of the prisoners being rescued by friends. The settlement of the case was finally left until the morning with the understanding that a meeting of citizens should impose sentence.

It is doubtful if sleep rested upon the eyelids of many in the town of Bellevue that night. Thoughts of the toll of the day — the unburied dead — and speculations upon the possible toll of the morrow, must have made the morning sun long in coming. But the surface of the Mississippi reflected its rays at last, and the excited villagers tried to compose themselves for the events of the day.

At ten o'clock occurred one of those episodes that rises now and then out of the grim frontier. Men who had faced a fire that dropped their comrades dead at their sides, who with the lust of animals to kill had stormed the defenders of the hotel, now stood possessed of the men whom they had faced along the level gun barrel but a few hours before; and it was their task to consider what should be done with them.

Thomas Cox presided at the meeting and stated that the citizens had relieved the sheriff of his duty

and had taken the case into their own hands. Chichester gained permission to speak on behalf of himself and his comrades; and the man, now greatly cowed, made a pitiful plea for mercy. Others spoke — among them Anson Harrington who favored hanging every one of the prisoners. Fear alone made them penitent to-day, he said. Revenge he saw depicted on all their faces. Mercy would only jeopardize the lives of others. But he closed by proposing that a ballot should be taken as to whether the captives should be hanged or merely whipped and exiled from the region.

Every man was required to rise to his feet and pledge himself to abide by the decision. Then two men, one with a box containing red and white beans, the other with an empty box to receive the votes, passed about among the company. The man with the beans, as he approached each individual, called out "White beans for hanging, colored beans for whipping," and the voter selected his bean and dropped it into the other box.

To the thirteen men whose lives depended on the color of the beans, those anxious moments while eighty men passed sentence upon them probably seemed like an eternity.

"White beans for hanging," and a bean rattled into the empty box. Those first four words, so brutal and so oft repeated, must have crowded the companion call out of their minds. Stripped clear away from them was the glow and excitement of

the life of the past. The inspiriting liquor was not there to drown out the stark image of a drooping body and a taut rope. The red flush of battle had paled to the white cast of fear. No longer upon their faces played the contemptuous smile or the leer of defiance. No bold words came to their lips. Their eyes scanned the set faces of their captors and into their ears dinned the cry, over and over repeated like a knell: "White beans for hanging."

The beans dropped noiselessly now among their fellows, and unrelieved was the hush of the men who tossed them in. How long it was since the wild events of yesterday afternoon! How near now was the choking rope!

Yet there was some comfort when they listened to the other call, "Colored beans for whipping." How welcome such an outcome would be! A week before they would have drawn guns at a word of criticism; now they were ready to give thanks for the grace of a lashing. But they had robbed these men and given them bad money, had taunted them and had killed their friends. Could there be any mercy now in these grim avengers? Were the "white beans for hanging" piling up in the box like white pebbles on the shores of their lives?

The eightieth man dropped in his bean. The tellers counted the votes and reported to Thomas Cox. The stillness reached a climax. Holding in his hand the result of the ballot, the chairman asked the prisoners to rise and hear the verdict.

Again he asked the men who had voted if they would promise their support of the decision. They gave their pledge by rising to their feet. Then he read the decision. By a margin of three the colored beans for whipping were in the majority.

The voice of Anson Harrington rang out. Cox called him to order — the case was not debatable. But Harrington replied: "I rise to make the vote unanimous." Immediate applause showed the change of feeling. Chichester, who was near him, took his hand and managed to blurt out his thanks.

The whipping followed — lashes laid upon the bare back and varying in severity with the individual. The thirteen men who had so narrowly escaped the rope were placed in boats on the Mississippi, supplied with three days' rations, and made to promise never to return. They left at sundown with expressions of gratitude for their deliverance; and with their departure the town of Bellevue and Jackson County resumed their more placid ways.

And the thirteen exiles? It would be a happy task to record of them either reformation or oblivion. Unfortunately one can do neither. The trail of William Fox and two others of the Bellevue gang came into view five years later when they were implicated in the murder of Colonel George Davenport. But thereby hangs another tale.

JOHN C. PARISH

The Trial and Execution of Patrick O'Conner at the Dubuque Mines in the Summer of 1834

[Eliphalet Price, an eyewitness of the hanging, wrote the following account in the early fifties. In October, 1865, the account was published by the State Historical Society of Iowa in the *Annals of Iowa*, from which it is here reprinted. Price's spelling of the name O'Connor has been retained in the article. — THE EDITOR.]

In giving a detailed historical account of the trial and execution of Patrick O'Conner, at the Dubuque mines, in the summer of 1834, we are aware that there are many persons still living who participated in bringing about a consummation of justice on that occasion; as well as many who were witnesses of the stern solemnity attending its closing scene; which may subject this reminiscence to a criticism which we believe will not extend beyond the omission of some minutia, which did not come under our personal observation.

Soon after the treaty between the United States and the Sac and Fox Indians at Rock Island in 1832, which resulted in the extinguishment of the Indian Title to the lands embraced in the present State of Iowa, permanent mining locations and settlements began to be made in the vicinity of the present city of Dubuque; and at the close of the winter of 1834, Congress attached the country acquired under the treaty, to the Territory of Michigan, for election and judicial purposes.

Up to that period no judicial tribunals existed in the country, except those created by the people for special purposes. Difficulties of a civil character were investigated and settled by arbitrators; while those of a criminal character were decided by a jury of twelve men, and, when condemnation was agreed upon the verdict of guilty was accompanied by the sentence. Such was the judicial character of the courts which were held at that time, in what was known as the *"Blackhawk Purchase."*

Patrick O'Conner, the subject of this memoir, was born in the year 1797 in the county of Cork, Ireland, — came to the United States in the year 1826, and soon after arrived at Galena, in the State of Illinois, where he embarked in mining operations. Having fractured his left leg in the fall of 1828, on board of a steamboat, in Fever River, it was found necessary to amputate the limb, which operation was performed by Dr. Phileas of Galena. In this situation O'Conner became an object of public charity. The citizens of Galena, and the mines in that vicinity, promptly came forward and subscribed liberal sums of money for his support and medical attendance and in the course of time he was enabled to get about with the assistance of a wooden leg, when he began to display a brawling and quarrelsome disposition, which soon rendered him no longer an object of public sympathy. In this situation he endeavored to awaken a renewal of public charity in aid of his support, by

setting fire to his cabin in Galena, which came near destroying contiguous property of great value. This incendiary act, and the object for which it was designed, being traced to O'Conner, and exposed by Mr. John Brophy, a respectable merchant of Galena, O'Conner soon after, while passing the store of Mr. Brophy in the evening, fired the contents of a loaded gun through the door with the view of killing Brophy. Failing to accomplish his object, and being threatened with some of the provisions of lynch law, he left Galena and came to the Dubuque mines in the fall of 1833, where he entered into a mining partnership with George O'Keaf, also a native of Ireland. O'Keaf was an intelligent and industrious young man about 22 years old, and much respected by all who knew him. They erected a cabin upon the bank of the Mississippi river, near the present smelting furnace of Peter A. Lorimier, about two miles south of Dubuque; while their mining operations were conducted in the immediate neighborhood.

On the 19th of May, 1834, O'Keaf came up to Dubuque and purchased some provisions, when he returned to his cabin about 2 o'clock in the afternoon, accompanied by an acquaintance. Upon arriving at his cabin and finding the door fastened upon the inside, he called to O'Conner to open it. O'Conner replied:

"Don't be in a hurry, I'll open it when I get ready."

O'Keaf waited a few minutes when he again called to O'Conner, saying: "It is beginning to rain, open the door quick."

To this, O'Conner made no reply; when O'Keaf, who had a bundle in one hand and a ham of bacon in the other, placed his shoulder against the door and forced it open. As he was in the act of stepping into the house, O'Conner, who was sitting upon a bench on the opposite side of the room in front of the door, immediately leveled a musket and fired at O'Keaf. Five slugs entered his breast and he fell dead. The young man who accompanied O'Keaf immediately ran to the smelting furnace of Roots & Ewing, about a mile distant, and gave information of what had transpired. In a short time a large concourse of miners was assembled around the cabin, when O'Conner being asked why he shot O'Keaf, replied, "That is my business," and then proceeded to give directions concerning the disposition of the body. Some person present having suggested that he be hung immediately upon the tree in front of his cabin, a rope was procured for that purpose. But the more discreet and reflecting portion of the bystanders insisted that he should be taken to Dubuque, and the matter there fully and fairly investigated. Accordingly O'Conner was taken up to Dubuque. And on the 20th of May, 1834, the first trial for murder, in what is now known as the State of Iowa, was held in the open air, beneath the wide-

spreading branches of a large elm tree, directly in front of the dwelling then occupied by Samuel Clifton. A large concourse of people had assembled and stood quietly gazing upon the prisoner, when upon the motion of some person, Captain White was appointed prosecuting attorney, or counsel in behalf of the people. O'Conner being directed to choose from among the bystanders some person to act as his counsel, observed: "Faith, and I'll tind to my own business," and appeared perfectly indifferent about the matter. At length he selected Capt. Bates of Galena, who happened to be present, and in whose employ O'Conner had formerly been engaged. The two counsel then summoned from among the bystanders twenty-four persons, who were requested to stand up in a line; when Capt. White directed O'Conner to choose from among those persons twelve jurors. He accordingly chose the following persons, calling each by name:

Woodbury Massey, Hosea L. Camp, John McKensie, Milo H. Prentice, James Smith, Jesse M. Harrison, Thomas McCabe, Nicholas Carrol, John S. Smith and Antoine Loire.

The names of the other two jurors, who were traveling strangers, cannot after a period of thirty years be discovered. It was known, however, at the time of the trial, that six of the jurors were Americans, three of them Irishmen, one Englishman, one Scotchman and one Frenchman. The

jury being seated upon some house logs Capt. White observed to O'Conner, "Are you satisfied with that jury?" O'Conner replied, "I have no objection to any of them; ye have no laws in the country, and ye cannot try me."

Capt. White continued, "You, Patrick O'Conner, are charged with the murder of George O'Keaf, do you plead guilty or not guilty?"

O'Conner replied, "I'll not deny I shot him, but ye have no laws in the country, and cannot try me."

Three or four witnesses were then examined; when Capt. White addressed the jury for a few minutes and was followed by Capt. Bates, who endeavored to urge upon the jury to send the criminal to the State of Illinois, and there have him tried by a legal tribunal. Capt. White replied that offenders had been sent to Illinois for that purpose, and had been released upon "Habeas Corpus," that state having no jurisdiction over offences committed upon the west side of the Mississippi River. After this, the jury retired, and having deliberated for an hour, returned to their seats, upon the logs, with Woodbury Massey as their foreman, who read the following verdict and sentence:

"We the undersigned, residents of the Dubuque Lead Mines, being chosen by Patrick O'Conner, and empanneled as a Jury to try the matter wherein Patrick O'Conner is charged with the murder of George O'Keaf, do find that the said Patrick O'Conner is guilty of murder in the first degree.

and ought to be, and is by us sentenced to be hung by the neck until he is dead; which sentence shall take effect on Tuesday the 20th day of June, 1834, at one o'clock P. M."

Signed by all the jurors, each in his own hand.

There was a unanimous expression of all the bystanders in favor of the decision of the jury. No dissenting voice was heard, until a short time before the execution, when the Rev. Mr. Fitzmaurice, a Catholic priest from Galena, visited O'Conner and inveighed against the act of the people, denouncing it as being illegal and *unjust*. Immediately the Catholic portion of the Irish people became cool upon the subject, and it was evident that they intended to take no further part in the matter.

Up to this time we did not believe that O'Conner would be executed. It was in the power of the Rev. Mr. Fitzmaurice to save him, and he was anxious to do so. Had he appealed to the people in a courteous manner, and solicited his pardon upon the condition that he would leave the country, we confidently believe that they would have granted it; but he imprudently sought to alienate the feelings of the Irish people from the support of an act of public justice, which they, in common with the people of the mines, had been endeavoring to consummate. This had the effect of closing the avenues to any pardon that the people might have previously been willing to grant. They, however, up to this time, would have recognized a par-

don from the Governor of Missouri or the President of the United States. Application was made to the Governor of Missouri to pardon him; but he replied that he had no jurisdiction over the country, and referred the applicants to the President of the United States. President Jackson replied to an application made to him, that the laws of the United States had not been extended over the newly acquired purchase, and that he had no authority to act in the matter; and observed, that as this was an extraordinary case, he thought the pardoning power was invested in the power that condemned. A few days before the execution, a rumor got afloat that a body of two hundred Irishmen were on their way from Mineral Point, intending to rescue O'Conner on the day of execution. Although this report proved not to be founded in truth, it had the effect of placing the fate of O'Conner beyond the pardoning control of any power but force. Runners were immediately dispatched to the mines to summon the people to arms; and on the morning of the 20th of June, 1834, one hundred and sixty-three men, with loaded rifles formed into line on Main street in front of the old *"Bell Tavern,"* where they elected Loring Wheeler Captain of the Company, and Ezra Madden, Woodbury Massey, Thomas R. Brasher, John Smith and Milo H. Prentice, Marshals of the day. The company being formed six-a-breast, marched slowly by a circuitous route to

the house where O'Conner was confined, while the fife breathed in lengthened strains the solemn air of the Dead March, accompanied by the long roll of the muffled drum. The stores, shops and groceries had closed up their doors and life no longer manifested itself through the bustling hum of worldly pursuits. All was silent as a Sabbath morn, save the mournful tolling of the village bell. Men whispered as they passed each other, while every countenance denoted the solemnity and importance of the occasion. Two steamers had arrived that morning from Galena and Prairie Du Chien, with passengers to witness the execution. The concourse of spectators could not have been less than one thousand persons.

The company having marched to the house occupied by O'Conner, now owned by Herman Chadwick, halted and opened in the center, so as to admit into the column the horse and cart containing the coffin. The horse was driven by William Adams, who was seated upon the coffin, and was employed as executioner. He had on black silk gloves, and a black silk handkerchief secured over and fitted to his face by some adhesive substance, which gave him the appearance of a negro. The Marshals soon came out of the house, followed by O'Conner and the Rev. Mr. Fitzmaurice. The two latter took a position directly behind the cart, while the former mounted their horses and rode to the front of the column, which now moved

slowly to the smith-shop of Thomas Brasher, where the irons were stricken from O'Conner by Henry Becket. Our position in the column being in the front rank, following the priest and O'Conner, we were enabled to observe the bearing of the latter. He seemed to have abandoned all idea of being released, and was much distressed, wringing his hands and occasionally ejaculating detached parts of some prayer, "Will the Lord forgive me?" he would frequently ask of Mr. Fitzmaurice, who would reply, "Whosoever believeth in the Lord Jesus Christ shall be saved," together with other like scriptural expressions. After he returned from the smith-shop, the Captain of the company desired him to get into the cart, when the priest observed, "No, I wish to talk to him; let him walk." Capt. Wheeler replied that he had orders to place him in the cart; but would go and state his request to the Marshal. Accordingly he advanced to where Mr. Madden was sitting upon his horse, who observed in a loud tone of voice, "No; if that gentleman wishes to talk with him, let him ride upon the cart with the murderer." This was spoken harshly and contemptuously by Mr. Madden, who, we learned afterwards, was deeply offended at some remarks previously made by Mr. Fitzmaurice concerning himself, and imprudently took this opportunity to retaliate, which we have reason to believe he afterwards regretted.

The Captain of the company delivered the mes-

sage as he received it, though in a more pleasant tone of voice. Fitzmaurice bowed respectfully to the message, but made no reply. O'Conner being now seated upon the coffin, the column commenced moving forward, to quarter minute taps of the drum, and arrived about twelve o'clock at the gallows, which was erected on the top of a mound in the vicinity of the present Court House. The company here formed into a hollow square, the cart being driven under the arm of the gallows, at the foot of which the grave was already dug. The Captain immediately ordered the company to ground arms, and uncover. Even many of the spectators removed their hats, while the priest offered up, in a clear and distinct tone of voice, a fervent and lengthy prayer, parts of which were repeated by O'Conner, who, at the close of the prayer, addressed a few remarks to the people, saying that he had killed O'Keaf, that he was sorry for it, and he hoped that all would forgive him. Then pausing for a moment, he observed, "I wish Mr. Lorimier and Gratiot to have my—" here he was interrupted by the priest, who observed, "Do not mind your worldly affairs; in a few minutes you will be launched into eternity; give your thoughts to your God." The hangman now spoke to O'Conner and assisted him to reascend the cart, when he adjusted around his person a white shroud; then securing his arms behind him at the elbows, he drew the cap over his face,

fixed the noose around his neck, and lastly, he removed his leg of wood; then descended from the cart, and laid hold of the bridle of his horse and waited for the signal, which was given by one of the Marshals, who advanced into the open area, where he stood with a watch in one hand and a handkerchief at arm's length in the other. As the hand of the watch came around to the moment, the handkerchief fell, and the cart started. There was a convulsive struggling of the limbs for a moment, followed by a tremulous shuddering of the body, and life was extinct. The body hung about thirty minutes, when Dr. Andros stepped forward, felt of his pulse, and said, "He is dead." The body was then cut down and placed in the coffin, together with his leg of wood, and deposited in the grave. The company now marched in single file to the front of the Bell Tavern, where a collection was taken up to defray the expenses, when the company was disbanded. Immediately after this, many of the reckless and abandoned outlaws, who had congregated at the Dubuque Mines, began to leave for sunnier climes. The gleam of the bowie knife was no longer seen in the nightly brawls of the street, nor dripped upon the sidewalk the gore of man; but the people began to feel more secure in the enjoyment of life and property.

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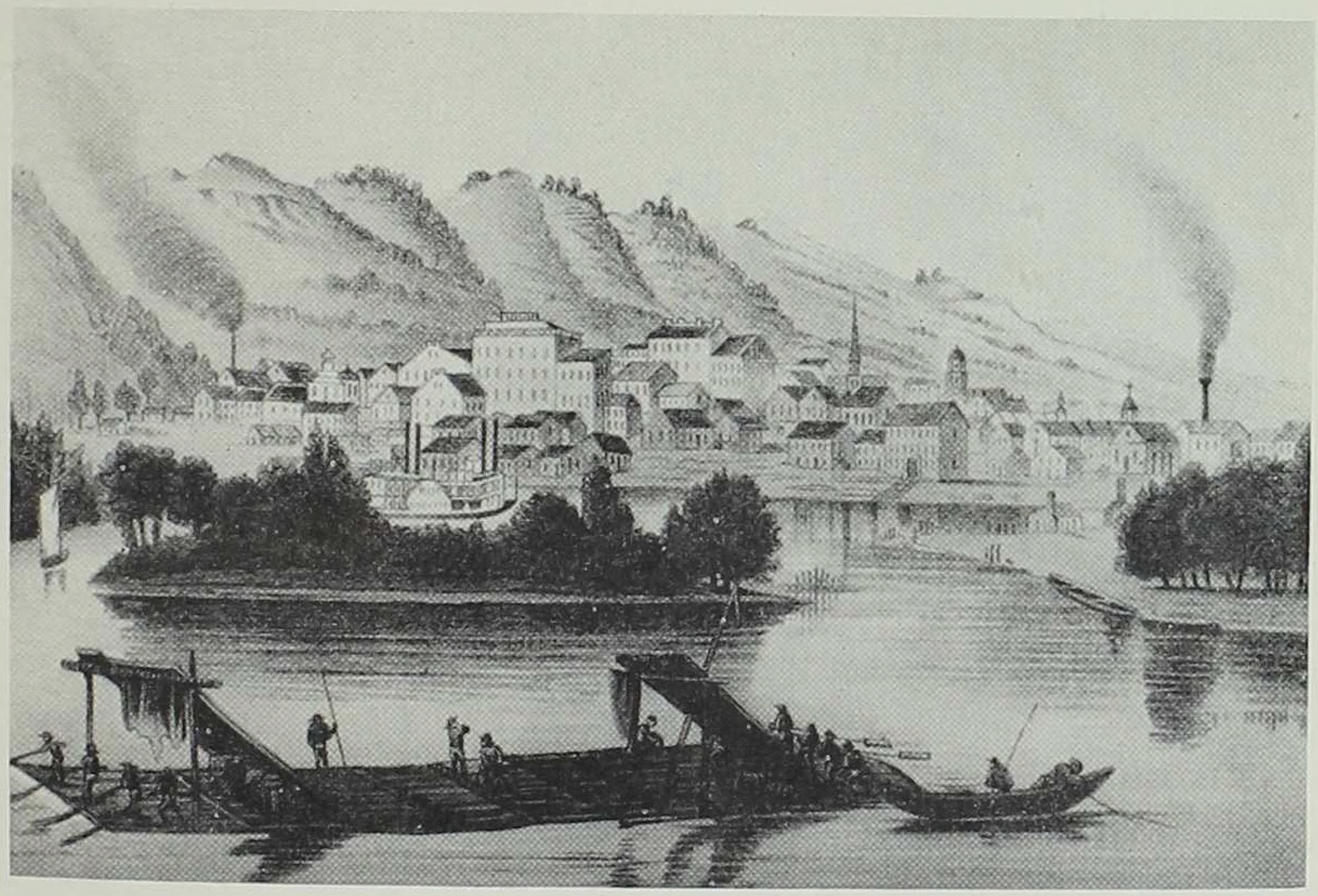
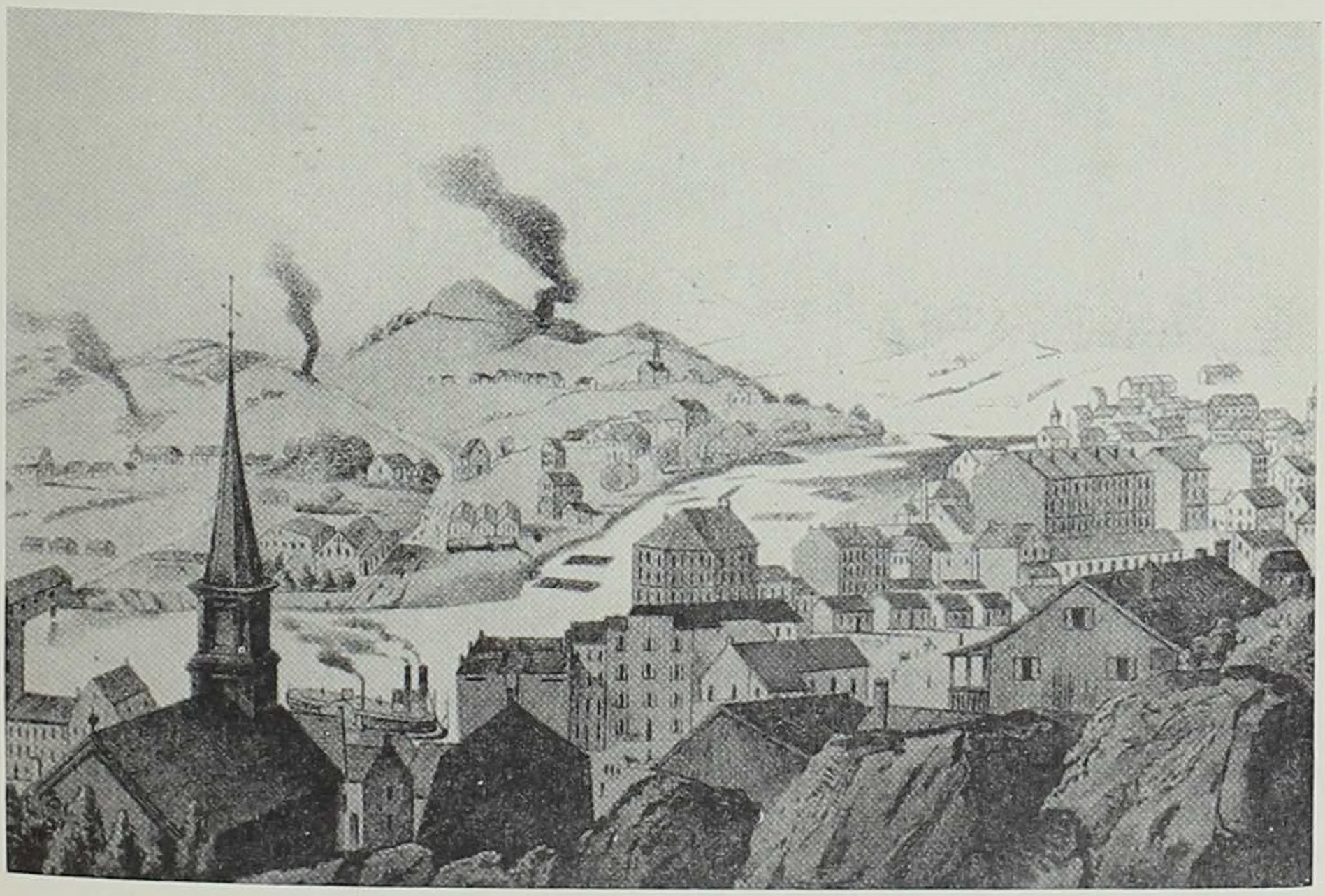
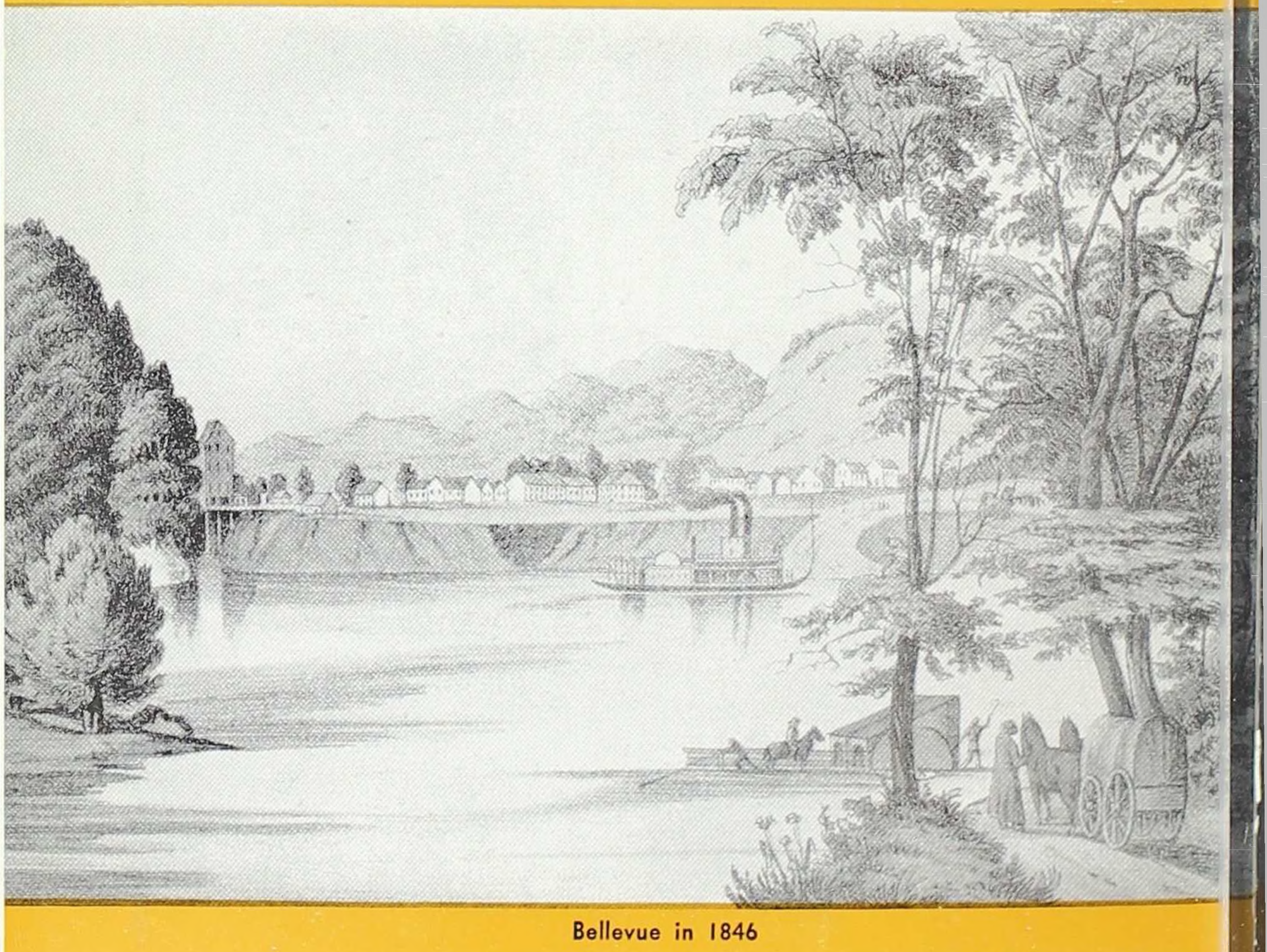


Dubuque in 1846



Galena in 1846



Bellevue in 1846